



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

decision, not introduced in evidence, may not be resorted to as evidence, it may be looked to as an authoritative statement of legal principles for the guidance of the court in the interpretation of the decisions which were introduced in evidence.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 239.]

7. Banks and Banking (§ 127*)—Title to Draft Deposited Not Affected by Recourse on Depositor.—A bank's title to a draft deposited as cash and placed to the credit of the depositor is not affected by the bank's right of recourse on the depositor, if the drawee fails to pay the draft.

8. Banks and Banking (§ 127*)—Title to Draft Deposited Not Affected by Restrictive Form of Bank's Indorsement.—A bank's title to a draft deposited as cash and placed to the credit of the depositor was not affected by the form of its indorsement, which stated that it indorsed solely for collection, and that it did not guarantee the title, possession, delivery, quantity, quality, or condition of the goods covered by an attached bill of lading.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 263; 14 Va.-W. Va. Enc. Dig. 144.]

9. Appeal and Error (§ 1175 (5*))—On Reversal Courts Will Render Judgment Where Facts Are Duly Developed.—Under Code 1919, § 6365, requiring the appellate court to enter such judgment as to it seems right and proper, and providing that civil cases shall be remanded for new trial, except where the ends of justice require it, the court, on reversing a judgment, will enter judgment for appellant, where the facts are fully before the court, and there is no reason to suppose that any new or different evidence might be introduced affecting the result.

Error to Circuit Court of City of Richmond.

Action by W. G. Bragg against W. F. Covington, in which the Fourth National Bank of Montgomery, Ala., intervened. Judgment for plaintiff, and intervener brings error. Reversed, and judgment entered for the intervener.

George Bryan, of Richmond, for plaintiff in error.

A. H. Sands, of Richmond, for defendant in error.

HEEKE v. ALLAN et al.

March 18, 1920.

[102 S. E. 655.]

1. Specific Performance (§ 121 (3*))—Evidence Held to Show Title in Plaintiff Vendor.—In vendor's action for specific performance, evi-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

dence held to show that vendor's grantor was the sole heir of former owner.

2. Descent and Distribution (§ 127, 134*)—Common-Law Rule As to Liability of Land for Debts of Ancestor Stated.—At common-law, lands descended were liable in the hands of the heir only for debts of record and specialty debts in which the heir was specially named, such liability continuing only as long as debt was enforceable and the land remained in the hands of the heirs who could at any time after ancestor's death discharge land from liability by aliening it to a purchaser with or without notice of such debts.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 573, 574.]

3. Descent and Distribution (§ 134*)—Land in Hands of Bona Fide Purchaser Held Not Subject to Lien for Debts After One Year.—Upon expiration of the year following decedent's death within which creditors have lien upon land, the land, where conveyed by bona fide conveyance, is not liable for creditors' debts under Code 1887, § 2667, unless suit shall have been commenced and lis pendens docketed as required by Code 1904, § 3566, and the Code 1919, § 6469, or unless a report has been filed of the debts and demands of creditors.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 573, et seq.]

4. Descent and Distribution (§ 124*)—Purchaser from Heir Within Year May Convey Good Title After One Year.—Purchaser from heir within one year after ancestor's death could sell and transfer a valid title after expiration of such year, since such conveyance by the heir was not absolutely void, but void merely as to creditors, and since heir's purchaser, having the heir's interest in the land under Code 1904, § 2438, had the power to give good title to purchaser for value and without notice free from creditor's lien upon expiration of the year if no suit was pending nor list of demands of damages had been filed, under Code 1887, § 2667, and in view of legislative history thereof.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 573, et seq.]

5. Acknowledgment (§ 20 (2)*)—Trustee in Deed of Trust May Take Acknowledgment of Deed Which Is Part of Transaction.—Acknowledgment of deed of bargain and sale by notary who was named as trustee in deed of trust executed as part of same transaction did not render the deed of bargain and sale void, the deed of bargain and sale and the deed of trust being separate and independent instruments, and the notary not being financially or beneficially interested in the deed of bargain and sale.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 109, et seq.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Appeal from Chancery Court of Richmond.

Action by Edgar Allan, Jr., against Henry G. Heeke and others. Judgment for plaintiff, and named defendant appeals. Affirmed.

Leake & Buford, of Richmond, for appellant.

Edgar Allan, Jr., and *Arden Howell*, both of Richmond, for appellee.

SHERRY, Chief of Police of City of Richmond, *v.* LUMPKIN.

March 18, 1920.

[102 S. E. 658.]

1. Municipal Corporations (§ 185 (5)*)—Mayor Is Not by Constitution Given Authority to Remove Policeman; "Such Officers."—Const. § 120, declaring that the mayor shall see that the duties of the various city officers and members of the police and fire departments are faithfully observed, and that he shall have power to suspend such officers and members of the police and fire departments and to remove such officers and also members of said departments when authorized by the General Assembly, does not of itself give the mayor of city power to remove members of the police and fire departments, the expression "such officers" referring to city officers as distinguished from policemen and firemen, and the power of removal, if conferred on the mayor, must be found in the statutes.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 203, 204.]

2. Municipal Corporations (§ 124 (5)—Constitutional Provision As to Powers of Mayor Not a Grant of Power.—Const. § 120, relating to the powers of mayors of cities, and declaring that the mayor shall have power to remove city officers and members of the police and fire departments when authorized by the General Assembly, is not a grant of power to the General Assembly, but a mere recognition of its sovereign powers by virtue of which it might authorize the mayor of the city to remove policemen.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 203, 204.]

3. Municipal Corporations (§ 180 (1)*)—Policemen Are "State Officers;" "Municipal Officers."—Policemen are "state" and not "municipal" officers.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Municipal Officer; State Office .]

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 192.]

4. Municipal Corporations (§ 185 (5)*)—Mayor of Richmond Not Authorized to Remove Policemen.—Neither under Code 1904, § 1033,

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.